

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

RED ROCK ANALYTICS LLC,

Plaintiff,

v.

APPLE INC., QUALCOMM, INC.,

Defendants.

Civil Action No. 6:21-CV-00346-ADA

**DECLARATION OF MARK ROLLINS IN SUPPORT OF
DEFENDANTS' MOTION TO TRANSFER VENUE**

I, Mark Rollins, hereby declare:

1. I am over 18 years of age and competent to make this declaration. I am employed as a Finance Manager at Apple Inc. ("Apple"), and my primary place of work is Cupertino, California. I have been employed by Apple since 2019.

2. I provide this declaration in support of Defendants' Motion to Transfer Venue Under 28 U.S.C. § 1404(a) to the Northern District of California ("NDCA") filed in the above-captioned case. Unless otherwise indicated below, the statements in this declaration are based upon my personal knowledge, my review of corporate records maintained by Apple in the ordinary course of business, and/or my discussions with Apple employees. If called to testify as a witness in this matter, I could and would testify competently and truthfully to each statement in this declaration under oath.

3. Apple is a California corporation and was founded in 1976. Apple is a global business headquartered in Cupertino, California, which is in the NDCA. I understand that the NDCA includes the following counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake,

Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Sonoma. Apple's management and primary research and development facilities are located in or near Cupertino, California, including surrounding cities such as Sunnyvale, all of which are located in the NDCA. The primary operation, marketing, sales, and finance decisions for Apple also occur in or near Cupertino, and Apple business records related to product revenue are located there. As of August 2021, Apple has more than 35,000 employees who work in or near its Cupertino headquarters.

4. I understand that Red Rock Analytics LLC ("Red Rock") filed the above-captioned patent infringement lawsuit against Apple in the United States District Court for the Western District of Texas ("WDTX"). In its Amended Complaint for Patent Infringement filed on June 30, 2021 ("Amended Complaint"), Plaintiff alleges infringement of U.S. Patent No. 7,346,313 ("313 patent") titled "Calibration of I-Q Balance in Transceivers." Amended Complaint ¶ 17, Exhibit A.

5. Based on the Amended Complaint, I understand that Red Rock accuses Apple's products that include "5G wireless transceivers made by Qualcomm Inc. that comply in whole or in part with 3GPP release 15 and/or later releases," including "Qualcomm's SDR865, SDX55M, and/or SMR526" chips. Amended Complaint ¶ 19. The Amended Complaint specifically accuses "the iPhone 12, iPhone 12 mini, iPhone 12 Pro, and iPhone 12 Pro Max." *Id.* I further understand that Red Rock accuses the "I-Q gain imbalance calibration" in the Qualcomm 5G transceivers used in the accused Apple products. Amended Complaint, Exhibit B at 3 ("Red Rock contends that every Accused Product performs I-Q gain imbalance calibration in an identical or substantially similar manner."). For purposes of my Declaration, I will refer to the Apple products equipped with Qualcomm 5G transceivers as the "Apple Accused Products."

6. Based on my discussions with Sushant Salgar, Kexin Ma, and Robert Sorensen, I understand that the accused I-Q gain imbalance calibration functionality in Qualcomm's 5G transceivers is designed and developed by Qualcomm and not by Apple. Further, based on these discussions, I understand that Apple does not have access to or knowledge about the details of how Qualcomm's 5G transceivers perform I-Q gain imbalance calibration because Qualcomm does not provide Apple with the source code or other documentation that describes how the I-Q gain imbalance calibration works in the Qualcomm 5G transceivers used in the Accused Apple Products.

7. Based on my discussions with Sushant Salgar, Kexin Ma, and Robert Sorensen, I understand that all of Apple's engineers who are involved with testing or integrating the Qualcomm 5G transceivers in the Apple Accused Products are located in the NDCA, San Diego and China, and that Apple has no employees located in the WDTX who are involved in testing or integration of the Qualcomm 5G transceivers in the Apple Accused Products. Based on these discussions, I understand that working files, electronic documents, source code, and any hard copy documents concerning testing or integration of the Qualcomm 5G transceivers in the Apple Accused Products reside on local computers and/or servers located in the NDCA, and that Apple does not have unique working files or documents relevant to this case located in the WDTX.

8. Sushant Salgar is a Senior Manager in Apple's RF Productization Team, and is part of the RF System, Algorithms, and Calibration ("RFSAC") subgroup. Mr. Salgar and his team are responsible for developing the software tools for calibrating and verifying all Apple products containing cellular chipsets, including the Apple Accused Products. Mr. Salgar works in Cupertino, California, where the majority of the team is located. There are currently seven team members located in China, and two team members located in San Diego. Mr. Salgar confirmed to

me that no Apple engineers who are involved with calibration and verification of Qualcomm 5G transceivers are located in Texas. He also does not work with any team members in Texas in connection with calibration and verification of Qualcomm 5G transceivers in the Apple Accused Products. The actual testing of the Apple Accused Products occurs in Apple's factories located in China.

9. Kexin Ma is a Senior Manager in Apple's Cellular Product Software Group. Mr. Ma and his team are responsible for developing firmware to interface with the Qualcomm 5G transceivers. The Cellular Product Software Group is located in Cupertino, California and San Diego, California. Mr. Ma works in San Diego. Mr. Ma confirmed to me that none of his team is located in Texas. He also does not work with any team members in Texas on the Accused Apple Products.

10. Robert Sorensen is an RF and Wireless Engineering Manager in Apple's RF Design Team. Mr. Sorensen and his team are responsible for integrating Qualcomm 5G transceivers in the Accused Apple Products. The RF Design Team is located in Cupertino, California and Santa Clara, California. Mr. Sorensen works in Santa Clara. Mr. Sorensen confirmed to me that none of his team is located in Texas. He also does not work with any team members in Texas on the Accused Apple Products.

11. Nearly all Apple employees who have knowledge relevant to marketing, licensing, and financial records related to the Accused Products work in or near the NDCA. I am not aware of any Apple employee who has unique information relevant to this case and is located in the WDTX. Working files, electronic documents, and business records related to the marketing, licensing, and financial records of the Apple Accused Products reside on local computers and/or servers either located in or around the NDCA or accessible in the NDCA. I am not aware of any

unique Apple working files or documents located in the WDTX that are relevant to this case.

12. The Apple employees whom Apple expects will be witnesses and who have knowledge relevant to marketing, licensing or financials are Anush Venkatesan, Brian Ankenbrandt, and me. As described below, all these individuals—including myself—have a primary workplace in or near the NDCA. I am not aware of any anticipated witnesses of Apple located in the WDTX.

13. Mr. Venkatesan is a Manager in the Carrier Partner Marketing Team. Mr. Venkatesan's primary workplace is in Cupertino, California. Mr. Venkatesan and his team are responsible for marketing for Apple's products with cellular chips, including the Apple Accused Products. Mr. Venkatesan also confirmed that the primary place of work for employees on his team is in the NDCA. Neither Mr. Venkatesan nor any employee on his team is located in the WDTX.

14. Brian Ankenbrandt is a Manager in the Intellectual Property Transaction Group at Apple. Mr. Ankenbrandt's primary workplace is in Cupertino, California. Mr. Ankenbrandt and his team are responsible for intellectual property licensing at Apple. Mr. Ankenbrandt confirmed that he is knowledgeable about licensing of intellectual property, including patent rights, by and to Apple. Mr. Ankenbrandt also confirmed that the primary place of work for employees on his team is in the NDCA with the exception of two individuals (both based remotely in Colorado). Neither Mr. Ankenbrandt nor any employee on his team is located in the WDTX. Mr. Ankenbrandt confirmed that neither he nor any of his team members regularly works with any individuals located in Texas in the normal course of their work.

15. I am knowledgeable about Apple's sales and financial information concerning the Apple Accused Products. My primary workplace is in the NDCA. The primary place of work of

employees on my team is the NDCA. Documents concerning sales and financial information for these products reside on local computers and/or servers either located in or around the NDCA or accessible in the NDCA. Neither I nor any employee on my team is located in Texas. None of my team members works with any individuals located in Texas with respect to financials relevant to the Apple Accused Products in this matter.

16. As of the date of this declaration, Apple operates over 270 retail stores in the United States, more than 50 of which are in California, including 19 stores in the NDCA. In WDTX, Apple has two retail stores in Austin, two retail stores in San Antonio, and one store in El Paso. I am not aware of any retail employee in these retail stores who was ever involved with the I-Q calibration features of Qualcomm's 5G transceivers in the Apple Accused Products. To the extent that any of the Apple Accused Products are sold in the WDTX, they are and were sold nationwide, and are not offered in any manner or degree differently than they are offered elsewhere. Apple has non-retail offices in Austin and Lockhart, Texas (located in the WDTX). To the best of my knowledge, however, none of the Apple employees with relevant information relating to the I-Q calibration features of Qualcomm's 5G transceivers in the Apple Accused Products works at these offices or reside in Texas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 18, 2021, in Santa Clara, California.



Mark Rollins